

Entered - 04/02/01 - sb  
CL01L0201 - DIANNE C. MITCHELL

CLAIM OF: **BELINDA S. LOTT**  
733 Akers Ridge Drive  
Atlanta, Georgia 30339

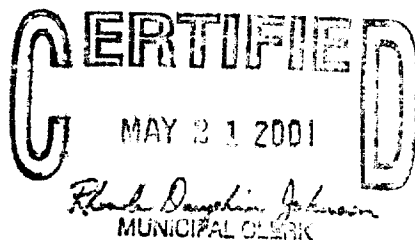
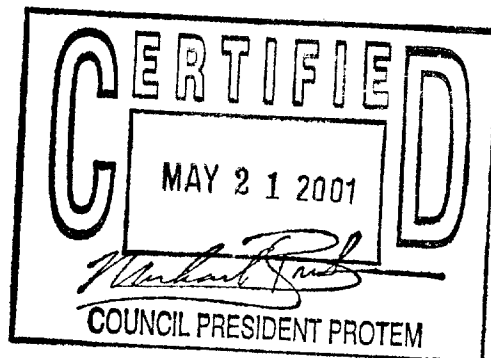
01-*R*-0685

**CONSENT AGENDA**

For damages alleged to have been sustained as a result of vehicular damage due to a metal plate in the roadway on September 22, 2000 at Ponce de Leon Avenue and Freedom Parkway.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

May 24, 2001

Belinda S. Lott  
733 Akers Ridge Drive  
Atlanta, GA 30339

**01-R-0685**

Dear Ms. Lott:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 21, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0201

Date: April 19, 2001

Claimant /Victim BELINDA S. LOTT

BY: (Atty)(Ins. Co.)

Address: 733 Akers Ridge Drive, Atlanta, Georgia 30339

Subrogation: Claim for Property damage \$ 428.18 Bodily Injury \$

Date of Notice: 03/26/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/22/00 Place: Ponce de Leon Avenue and Freedom Parkway

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she damaged her vehicle when she drove over a metal plate in the roadway. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5. The six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Dianne C. Mitchell Concur/date 05-02-01

Committee Action: Council Action

*Mitchell*  
*03/27/01*  
*Dr*

**COUNCIL OF THE CITY OF ATLANTA**  
**MUNICIPAL CLERK**  
 City Hall  
 55 Trinity Avenue, S.W.  
 Atlanta, Georgia 30335

**RE: CLAIM FOR DAMAGES**

Today's Date: 3/14/01

MAR 26

Dear Municipal Clerk:

ENTERED - 4-2-01 - SB  
 01L0201 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 428.18 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 9/22/2000 2. Time of Incident: 11:30pm 3. Police called: X  
 (month/day/year) Yes No
4. Location of incident (including street address): Ponce de Leon Ave. & Freedom Pkwy.
5. Name of your insurance company: State Farm Insurance Policy No. 341225-E31-11
6. State what and how incident occurred: We (there were 2 others in car w/me - I was driving) were going west down Ponce de Leon in the right hand lane and it was raining. I hit a huge pothole that appeared square in shape and was not marked in anyway. It dented both the front and rear tire rims (which I kept) and blew the front tire out. I called AAA from the BP Station at Ponce & Piedmont. I paid the cost of repairs myself as there was no time to make an insurance claim.
7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
 Your vehicle: Saturn SL1 1994 373NFR Belinda S. Lott  
 (Make) (Year) (Tag Number) (Driver's Name)  
 City vehicle: N/A  
 (Make) (City Driver's Name) (Department/Bureau)
9. Witness: Bonnie Russell Atlanta, GA (I don't know; she's my friend's mom)  
 (Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Belinda S. Lott  
 Signature of Claimant

Belinda S. Lott

(Print Claimant's Name)

733 Akers Ridge Dr.

(Address)

Atlanta, GA 30339

(City, State and Zip Code)

404.236.6534

(Work Number)

770.980.9145

(Home Number)

\* Enclosed are copies of the actual bills that I paid back in September of 2000 for car repairs needed to get my car back on the road. I am asking for reimbursement of these bills due to a manmade hole that was unmarked on Ponce de Leon at Freedom Pkwy. The hole was covered by the following Friday when I went to take pictures, but I have kept the dented rims. Thank you.

Belinda S. Lott

01- R -0685

# President Pro Tem Bond Presided

RCS# 2865  
5/21/01  
1:48 PM

## Atlanta City Council

### Regular Session

CONSENT

Pages 1 thru 16

#### ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

#### ITEM (S) REMOVED FROM CONSENT AGENDA

01-O-0721  
01-O-0752  
01-O-0753  
01-O-0494  
01-O-0712  
01-R-0763  
01-R-0765

CONSENT

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

61. 01-R-0685
  62. 01-R-0686
  63. 01-R-0687
  64. 01-R-0688
  65. 01-R-0689
  66. 01-R-0690
  67. 01-R-0691
  68. 01-R-0692
  69. 01-R-0693
  70. 01-R-0694
  71. 01-R-0695
  72. 01-R-0697
  73. 01-R-0761
  74. 01-R-0762
-